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PART – I

Notifications, Orders and Declarations by Haryana Government

STATE ELECTION COMMISSION HARYANA

NIRVACHAN SADAN, PLOT NO. 2, SECTOR 17, PANCHKULA

Order

The 25th July, 2019

No. SEC/3ME/2019/1559.— The General Election of Municipal Corporation, Hisar was held on 16.12.2018 and the result of the elected candidates was declared on 19.12.2018.

2. Section 8B of the Haryana Municipal Corporation Act, 1994, every candidate at an election shall, either himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election incurred or authorized by him or by his election agent from the date of filing of nomination papers to the date of declaration of the result thereof, both dates inclusive. The account shall contain such particulars, as may be notified by the State Election Commission in this behalf. The total of the said expenditure shall not exceed such amount as may be notified by the State Election Commission from time to time.

3. Section 8E of the Haryana Municipal Corporation Act, 1994 further provides that if the State Election Commission is satisfied that a person has failed to lodge an account of election expenses within the time and manner, as prescribed by the State Election Commission and has no reason or justification thereof, the State Election Commission shall, by order published in the Official Gazette, declare him to be disqualified for contesting an election for a period of five years from the date of the order under this Act.

4. In pursuance of the above provisions, the State Election Commission, Haryana *vide* its notification No. SEC 3ME/2017/879 dated 18.05.2017 and notification NO.SEC/3ME/2018/5582. dated 14.11.2018 In exercise of powers vested under clause (i) Article 243 ZA of the Constitution of India, sub-section 3 of Section 8B of the Haryana Municipal Corporation Act 1994 had prescribed the limit of expenditure of Rs. 5,00,000 for the member and Rs. 20,00,000/- for the Mayor that may be incurred by the contesting candidate on authorized agent in connection with election of Municipal Corporation, Hisar and account of election expenses shall be filed/lodged with the Deputy

Commissioner or any other officer of prescribed by the Commission within 30 days from the date of declaration of the result of election.

5. The State Election Commissioner, Haryana in exercise of powers contained under Section 9 (1A) of the Haryana Municipal Corporation Act, 1994 authorized Assistant State Election Commissioner, Haryana vide order No. SEC/1ME/2017/2017, dated 01.12.2017 and further modified vide order No. SEC/1ME/2018/842, dated 28.02.2018 to decide the cases of disqualification of the candidates, who failed to lodge their account of election expenses.

6. As reported by the Deputy Commissioner, Hisar, the following candidates had contested the election of Municipal Corporation Hisar held on 16.12.2018 but failed to submit their election expenditure account:-

Sr. No.	Name of Candidate	Post/Ward No.
1.	Mamta Rani	10
2.	Ritu Rani	10
3.	Shakuntla	11
4.	Khushboo	11
5.	Gaurav	17
6.	Pramod Kumar	18
7.	Sumar Rani Aggarwal	20

7. The Commission had served a show cause notice upon them to explain as to why they should not be disqualified on account of non submission of election expensive account within the period. They neither submitted their election expenditure statement nor responded to the show cause notice. I, had given them an opportunity of personal hearing on 21.06.2019 in the PWD Rest House, Hisar in the interest of natural justice. Sh. Suresh Gupta, ME, Municipal Corporation, Hisar was present who has submitted a copies of letter dated 07.06.2019. issued by the Superintendent, Municipal Commissioner, Hisar to all the above said candidates. It has been observed notice of personal hearing has been delivered in person or through their family members.

8. The above mentioned contesting candidates neither appeared before me nor filed any representation. Therefore, it can be concluded that they have nothing to say in the matter. Hence, they are proceeded ex-parte. The above noted candidates deserve to be disqualified, Hence I, Parmal Singh Assistant State Election Commissioner, Haryana, hereby order that all the above mentioned 7 candidates are disqualified under section 8E of the Haryana Municipal Corporation Act, 1994 for being chosen as, and for being a member of Municipality for a period of five years from the date of this order.

9. The office is directed to send a copy of this order to the candidate concerned through Deputy Commissioner, Hisar immediately.

Panchkula :
The 23rd July, 2019.

PARMAL SINGH,
Asstt. State Election Commissioner, Haryana.